

Laurence B. Orloff, Esq.

ORLOFF, LOWENBACH, STIFELMAN & SIEGEL, P.A.

101 Eisenhower Parkway, Suite 400

Roseland, New Jersey 07068-1097

Tel. (973) 622-6200

Fax: (973) 622-3073

lbo@olss.com

-and-

Michael S. Haratz, Esq.

HARATZ LAW LLC

120 Eagle Rock Avenue, Suite 141

East Hanover, New Jersey 07936

Tel. (862) 209-1555

Fax: (862) 209-1554

Haratz_Law@optonline.net

Co-Counsel for Defendant

W. Patric Gregory III

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

ROBERT GREGORY and SAMUEL GREGORY, and CHRISTOPHER GREGORY,

Plaintiffs,

v.

W. PATRIC GREGORY III,

Defendant.

: Civil Action No. 15-00320 (WHW)
: Hon. William H. Walls, U.S.D.J.
:
: **ORAL ARGUMENT REQUESTED**
: **Motion Return Date:**
:
: **MOTION TO COMPEL**
: **DOCUMENT PRODUCTION**
: **AND FOR A PROTECTIVE**
: **ORDER UNDER FED. R. CIV.**
: **P. 26 (c) AND TO QUASH**
: **SUBPOENAS UNDER**
: **FED R. CIV. P. 45 (d)**

TO: Keya C. Denner, Esq.
NORRIS, MCLAUGHLIN & MARCUS, P.A.
721 Route 202-206, Suite 200
P.O. Box 5933
Bridgewater, New Jersey 08807
Attorneys for Plaintiffs Robert Gregory,
Samuel Gregory and Christopher Gregory

SIR:

PLEASE TAKE NOTICE that at a date and time to be set by the Court, pursuant to the directive of Honorable Cathy L. Waldor, U.S.M.J., defendant W. Patric Gregory III (at times, "Defendant") shall move, pursuant to *Fed. R. Civ. P.* 37(a), *Fed. R. Civ. P.* 26(c) and *Fed. R. Civ. P.* 45(d) before the United States District Court for the District of New Jersey (Hon. Cathy L. Waldor, U.S.M.J.), at the Martin Luther King, Jr. Federal Building & United States Courthouse, 50 Walnut Street, Newark, New Jersey, (a) for entry of an order compelling Plaintiffs to produce certain documents; (b) for entry of a protective order that certain document discovery sought by way of Subpoenas Duces Tecum upon non-parties, LeClairRyan and Cipolla & Co. (collectively, the "Subpoenas") not be permitted (on the grounds that it is subject to attorney-client and work-product privileges and/or beyond the scope of permissible discovery [*i.e.* neither relevant nor reasonably calculated to lead to admissible evidence]); or, (c) alternatively, that the Subpoenas be quashed on the grounds that they seek documents shielded under attorney-client and work-product privileges; or (d) alternatively, that the documents sought by way of the Subpoenas are largely

ORLOFF, LOWENBACH,
STIFELMAN & SIEGEL, P.A.
101 EISENHOWER PKWY.
ROSELAND, NJ 07068
(973) 622-6200

duplicative of documents already in the possession of counsel for Defendant and already the subject of objections on the basis of attorney-client and/or work-product privileges, and that production pursuant to the Subpoenas be held in abeyance until issues of attorney-client and work-product privileges as to such documents in the possession of Defendant's counsel are addressed on motion by plaintiffs to compel production and defendant's opposition and cross-motion for protective relief with respect to such documents.

The within motion is based upon the pleadings and prior proceedings in the cause, the Declaration of Laurence B. Orloff (dated April 8, 2016), the Declaration of Xiao Sun (dated April 8, 2016) and Defendant's Brief in Support of the within motion.

Oral argument of the within motion is hereby requested pursuant to *Fed. R. Civ. P. 78* and *L. Civ. R. 78.1*

Dated: April 8, 2016

ORLOFF, LOWENBACH, STIFELMAN
& SIEGEL, P.A.

By: /s/ Laurence B. Orloff
LAURENCE B. ORLOFF

101 Eisenhower Parkway, Suite 400
Roseland, New Jersey 07068-1097
(973) 622-6200
lbo@olss.com

and

ORLOFF, LOWENBACH,
STIFELMAN & SIEGEL, P.A.
101 EISENHOWER PKWY.
ROSELAND, NJ 07068
(973) 622-6200

HARATZ LAW LLC

By: /s/ Michael S. Haratz
MICHAEL S. HARATZ

120 Eagle Rock Avenue, Suite 141
East Hanover, New Jersey 07936
(862) 209-1555
Haratz_Law@optonline.net

Attorneys for Defendant
W. Patric Gregory, III

ORLOFF, LOWENBACH,
STIFELMAN & SIEGEL, P.A.
101 EISENHOWER PKWY.
ROSELAND, NJ 07068
(973) 622-6200

VERIFICATION OF SERVICE

Alyse L. Williams, of full age, verifies as follows:

1. I am employed as a legal secretary with the law firm of Orloff, Lowenbach, Stifelman & Siegel, P.A., attorneys for defendant W. Patric Gregory ("Defendant") in the above-captioned matter.
2. On Friday, April 8, 2016, I caused Defendant's Notice of Motion for Entry of an Order Compelling Production of Documents, for a Protective Order and to Quash Subpoenas, the Declarations of Laurence B. Orloff and Xiao Sun, and Defendant's Brief in Support of Motion to be served via the United States District Court electronic filing system on:

Keya C. Denner, Esq.
NORRIS, MCLAUGHLIN & MARCUS, P.A.
721 Route 202-206, Suite 200
P.O. Box 5933
Bridgewater, New Jersey 08807
Attorneys for Plaintiffs Robert Gregory,
Samuel Gregory and Christopher Gregory

I verify, under penalty of perjury, that the foregoing statements made by me are true.

Dated: April 8, 2016

By: /s/ Alyse L. Williams

ORLOFF, LOWENBACH,
STIFELMAN & SIEGEL, P.A.
101 EISENHOWER PKWY.
ROSELAND, NJ 07068
(973) 622-6200